

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	Case No. 2:19-CR-00194
	:	
vs.	:	CHIEF JUDGE MARBLEY
	:	
VINCENT BROCOLI,	:	
	:	
Defendant.	:	

FIRST MOTION TO EXTEND DEADLINES REQUIRED
BY GENERAL ORDER 20-21, AS AMENDED

Now comes Defendant, Vincent Broccoli, by and through undersigned counsel, and hereby respectfully requests that this Court extend the deadlines required by this Court's General Order 20-21, as amended.

Pursuant to General Order 20-21, as amended, undersigned counsel is required to file a Notice of Intent with this Court, within seven (7) days of appointment, indicating whether Counsel plans to supplement Defendant's *pro se* Motion for Compassionate Release. R.47, Letter from Defendant, and R.44, Motion for Compassionate Release. Likewise, under the Order, undersigned counsel is required to file a Supplemental Memo within fourteen (14) days of the Notice of Intent.

On January 11, 2021, undersigned counsel was appointed to represent Mr. Broccoli (R.____, CJA 20) and to review his *Pro Se* Motion for Compassionate Release; which was filed on October 8, 2020. R.44, Motion for Compassionate Release¹.

Pursuant to General Order 20-21, as amended, undersigned counsel is required to file a Notice of Intent within seven (7) days of counsel's appointment on January 11, 2021, and a Supplemental Memo fourteen (14) after that.

Undersigned counsel has been unable to establish contact with Mr. Broccoli, because the Bureau of Prisons currently lists his location as "not in BOP custody." See www.boop.gov.

On January 12, 2021, undersigned counsel contacted the United States Marshal's Office, and Julie Carr advised that Defendant was "in transit" and was currently housed in a "transfer center."

Additionally, Defendant's *pro se* Motion for Compassionate Release took the form of a letter to the Court; therefore, and because Defendant has been only recently transferred to BOP custody, it is unlikely that he has begun the process of exhausting his administrative remedies, as required by 18 U.S.C. §3582.

¹ Initially, R.44 was docketed as a "Letter from Vincent Broccoli;" however, when the Court received Defendant's second letter on January 11, 2021 (R.47), the Court construed Defendant's initial letter as a Motion for Compassionate Release - which triggered undersigned counsel's appointment on that same date.

Finally, undersigned counsel has no medical records for Mr. Brocoli, and counsel's only source of information regarding Defendant must be gleaned from his Presentence Report.

Therefore, undersigned counsel requests additional time to comply with the timing requirements as expressed in General Order 20-21, as amended. Counsel respectfully suggests that the timing provisions outlined in General Order 20-21, as amended, be extended by no less than ninety (90) days: (1) to permit Defendant to arrive at his designed BOP facility; (2) to allow undersigned counsel adequate time to establish contact with Mr. Brocoli; (3) to enable undersigned counsel ample time to request and assemble Defendant's medical records; and (4) to permit Mr. Brocoli adequate time to begin to exhaust his administrative remedies as required by 18 U.S.C. §3582.

Respectfully submitted,

/s/ Alan J. Pfeuffer

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Attorney for Defendant
Vincent Brocoli

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of this Notice was electronically served through ECF upon Assistant United States Attorney Jessica Kim, this 16th day of January 2021.

/s/ Alan J. Pfeuffer

Alan J. Pfeuffer (OH-0071974)
Attorney for Vincent Brocoli